

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

|                               |   |                                   |
|-------------------------------|---|-----------------------------------|
| CHRISTOPHER P. LAWRENCE and   | ) |                                   |
| CHRISTOPHER RAYBON,           | ) |                                   |
|                               | ) | Civil Action No. 2:22-cv-1466-RMG |
| PLAINTIFFS,                   | ) |                                   |
|                               | ) | <b>NOTICE OF REMOVAL</b>          |
|                               | ) |                                   |
| v.                            | ) |                                   |
|                               | ) | State Case No. 2022-CP-1001713    |
| CANNON GREEN CHARLESTON,      | ) |                                   |
| LLC, d/b/a WILD COMMON        | ) |                                   |
| RESTAURANT, EASTON & PORTER   | ) |                                   |
| GROUP, LLC, and ANDREWS       | ) |                                   |
| HOSPITALITY MANAGEMENT, LLC,  | ) |                                   |
| d/b/a ZERO GEORGE RESTAURANT, | ) |                                   |
|                               | ) |                                   |
| DEFENDANTS,                   | ) |                                   |
| _____                         | ) |                                   |

The above-named Defendants hereby Notice the Removal of this action from the Court of Common Pleas for Charleston County, South Carolina, to the United States District Court for the District of South Carolina, Charleston Division, pursuant to 28 U.S.C. §1441(a) and (b), and state as follows:

**BACKGROUND AND JURISDICTIONAL FACTS**

1. The above-entitled action was filed in the Court of Common Pleas, County of Charleston, State of South Carolina by Plaintiffs on April 13, 2022, said action being designated as Case No. 2022-CP-1001713. A copy of the Summons and Complaint is hereby referred to, and made a part hereof, and is attached as a portion of Exhibit A. Defendants received a copy of the Summons and Complaint no earlier than April 28, 2022
2. This Notice of Removal is filed within thirty (30) days of the Defendants' receipt of the Summons and Complaint and is therefore timely filed under 28 U.S.C. §1446.

3. A copy of all process, pleadings and orders received by the Defendants to date is attached and filed with this Notice of Removal as Exhibit A.

4. A copy of this Notice of Removal will be filed with the Clerk of Court for Charleston County Court of Common Pleas. Written notice of filing of this Notice of Removal is being concurrently provided to Plaintiffs. A copy of the Notice of Filing Notice of Removal is hereto attached as Exhibit B.

### **FEDERAL QUESTION JURISDICTION**

5. This Court has original and removal jurisdiction over Plaintiffs' Complaint under 28 U.S.C. §§ 1331 and 1441 in that the action arises under the laws of the United States.

6. The federal question presented by the Plaintiffs' Complaint comes from their contentions that the Defendants have violated the federal Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*, with accompanying regulations. Complaint, pars. 1-65.

7. Pursuant to 28 U.S.C. §1331, the District Courts of the United States have original jurisdiction over civil actions arising under the FLSA, and these actions may be removed to federal court. *Breuer v. Jim's Concrete of Brevard, Inc.*, 538 U.S. 691 (2003). The District Court has supplemental jurisdiction over Plaintiffs' state law claims contained in Plaintiffs' Complaint pursuant to 28 U.S.C. §1367. Plaintiffs' state law claims form part of the same case or controversy as Plaintiff's claims under the FLSA. *See* Plaintiffs' Complaint, Exhibit A.

8. Therefore, this action may be removed to the United States District Court for the District of South Carolina pursuant to 28 U.S.C. §1441 and §1367.

**WHEREFORE**, the Defendants pray that this Court accept this Notice of Removal which is being filed and that this Honorable Court take jurisdiction of the above-entitled cause and that all further proceedings in said cause in the Court of Common Pleas, County of Charleston,

State of South Carolina be stayed.

**GIBBS & HOLMES**

May 6, 2022

By: /s/ Allan R. Holmes  
Allan R. Holmes,  
Fed. ID No. 1925  
[aholmes@gibbs-holmes.com](mailto:aholmes@gibbs-holmes.com)  
Cheryl H. Ledbetter,  
Fed. ID No. 11446  
[clledbetter@gibbsholmes.com](mailto:clledbetter@gibbsholmes.com)  
171 Church Street, Suite 110  
Telephone: 843-722-0033  
Fax: 843-722-0114

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing NOTICE OF REMOVAL upon the plaintiff by mailing a copy, postage prepaid, to his counsel:

Victoria L. Hurse, Esq.  
Ryan C. Andrews,  
Cobb Dill & Hammett, LLC  
222 W. Coleman Blvd.  
Mt. Pleasant, SC 29464  
(854) 444-2018 (office)  
(854) 444-2014 (facsimile)  
[randrews@cdhlawfirm.com](mailto:randrews@cdhlawfirm.com)  
[vhurse@cdhlawfirm.com](mailto:vhurse@cdhlawfirm.com)

DONE this 6<sup>th</sup> day of May, 2022.

/s/ Allan R. Holmes  
Fed. ID No. 1925